

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ADRIAN MARCELO RAMIREZ, et. al.

Plaintiff(s)

v.

SMART FOODS INC., et. al,

Defendant(s)

Civil Action No. 2:19-cv-12408-WJM-AME

Hon. Andre M. Espinosa, U.S.M.J.

**JOINT PROPOSED DISCOVERY PLAN**

1. Set forth the name of each attorney appearing, the firm name, address and telephone number and facsimile number of each, designating the party represented.  
See attached Exhibit A
2. Set forth a brief description of the case, including the causes of action and defenses asserted. Unpaid wages pursuant to the FLSA, NJWHL, and NJWPL
3. Have settlement discussions taken place? Yes \_\_\_\_\_ No XX
  - (a) What was plaintiff's last demand?
    - (1) Monetary demand: \$ - \_\_\_\_\_
    - (2) Non-monetary demand: - \_\_\_\_\_
  - (b) What was defendant's last offer?
    - (1) Monetary offer: \$ - \_\_\_\_\_
    - (2) Non-monetary offer: - \_\_\_\_\_
4. The parties [have XX have not \_\_\_\_\_] met pursuant to Fed. R. Civ. P. 26(f):

5. The parties [have XX have not \_\_\_\_\_] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor.
6. Explain any problems in connection with completing the disclosures required by Fed R. Civ. P. 26(a)(1) None
7. The parties [have \_\_\_\_\_ have not XX] conducted discovery other than the above disclosures. If so, describe.
8. Proposed joint discovery plan:
- Hours worked by Plaintiff, Plaintiff's
- (a) Discovery is needed on the following subjects: job duties, Wages paid to Plaintiff
- (b) Discovery [should \_\_\_\_\_ should not XX] be conducted in phases or be limited to particular issues. Explain.
- (c) Proposed schedule:
- (1) Fed. R. Civ. P. 26 Disclosures 10/15/2021.
- (2) E-Discovery conference pursuant to L. Civ. R. 26.1(d) 10/15/2021.
- (3) Service of initial written discovery 11/15/2021.
- (4) Maximum of 25 Interrogatories by each party to each other party.
- (5) Maximum of 3 depositions to be taken by each party.
- (6) Motions to amend or to add parties to be filed by 1/5/2022.
- (7) Factual discovery to be completed by 3/5/2022.
- (8) Plaintiff's expert report due on N/A.
- (9) Defendant's expert report due on N/A.
- (10) Expert depositions to be completed by N/A.
- (11) Dispositive motions to be served within 60 days of completion of discovery.
- (d) Set forth any special discovery mechanism or procedure requested.  
None

- (e) A pretrial conference may take place on \_\_\_\_\_.
- (f) Trial date: \_\_\_\_\_ (\_\_\_\_ Jury Trial; XX Non-Jury Trial).
9. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc)? Yes XX No \_\_\_\_\_.  
If so, please explain. **Potential out of state witnesses may be required.**
10. Do you anticipate any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced?  
Yes \_\_\_\_\_ No XX \_\_\_\_\_.  
  
If so, how will electronic discovery or data be disclosed or produced? Describe any agreements reached by the parties regarding same, including costs of discovery, production, related software, licensing agreements, etc.
11. Do you anticipate entry of a Discovery Confidentiality Order? See L.Civ.R. 5.3(b) and Appendix S. No
12. Do you anticipate any discovery problem(s) not listed above? Describe.  
Yes \_\_\_\_\_ No XX \_\_\_\_\_.
13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise).  
If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition or dispositive motions, etc.). **Undetermined until end of discovery.**
14. Is this case appropriate for bifurcation? Yes \_\_\_\_\_ No XX \_\_\_\_\_
15. An interim status/settlement conference (with clients in attendance), should be held in 12/20/2021.
16. We [do \_\_\_\_\_ do not XX \_\_\_\_\_] consent to the trial being conducted by a Magistrate Judge.
17. Identify any other issues to address at the Rule 16 Scheduling Conference.

None

10/13/2021  
Attorney(s) for Plaintiff(s) / Date

10/13/2021  
Attorney(s) for Defendant(s) / Date

EXHIBIT A

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